



Hearing Preparation





Topics Covered

- Reviewing a Central File
- Materials Made Available to Attorneys
- Client Interviews
- Waivers, Stipulations, Postponements and Continuances
- Hearing Timeline



Reviewing a Central File

Components of a Central File (C-File)

- Case Summary
- Legal
- Classification Chronos
- Disciplinarys
- General Chronos
- Miscellaneous
- Detainers
- Parole
- BPH
- Confidential – 15 CCR 2235



Reviewing a Central File

STATE OF CALIFORNIA
CDC 261 (Rev. 12/02)

ORDER OF FILING

DEPARTMENT OF CORRECTIONS

A. CASE SUMMARY:

- CDC 251, Order of Filing
- CDC 112, Chronological History
- Legal Status Summary with applicable Calculation Sheets
- CDC 916, Time Credit Waiver (PC Section 2934)
- CDC 1810, Notification of Credit Earning Ineligibility-PC Section 2933.5
- Probation Officer's Report (POR) and/or PC Section 1203.01 statement on all active cases, Police/Arrest Reports in lieu of POR
- Social Factors
- Institutional Staff Recommendation Summary (ISRS)
- CDC 916, Reception Center ReAdmission Summary
- Penal Code Section 1170(d) Reports
- Penal Code Section 1203.03 Reports
- Penal Code Section 3002 Reports
- Other related forms and documents

B. LEGAL DOCUMENTS:

- CDC 801, Notice of Detainer (retain while inmate is out to court; purge upon return) and Removal Order (move to Other related forms and documents upon inmate's return)
- CDC 1130, LPU Documents Transmittal (when court responds, file with legal correspondence below)
- CDC 1151, Audit Checklist
- CDC 919, IPA Personal Information Disclosure Log
- CDC Forms 1497 & 1497-A, Inmate Restitution Collection (most recent on top)
- Minute Order
- Abstract of Judgment
- Appellate Court Decision
- Court Remittor
- Sentencing Transcript
- CDC 1840, Time Credit Notice
- Information/Complaint
- Legal correspondence
- Discharge Cases (under divider sheet)
- CDC 123, Body Restraint on drop
- RF-249, Fingerprint Cards on drop
- BCI 8208, Record Error Correspondence & BCI 8105 CDC Additional Commitment (under fingerprint cards on drop)
- CDC 7377 or CDC 1884 SVP Screening, SVP memos & information on drop
- Other related forms and documents

Documents (6-13) grouped together by case number, most recent case on top.

Use CDC Form 3020-A, File Divider, Legal Section for each case number.

When case numbers are combined on one AOI, place all documents for the case numbers under one File Divider in the order of the case numbers on the AOI.

When a case number is discharged, enter the discharge date on the bottom of the CDC Form and move all documents and the divider to the assigned location.

C. CLASSIFICATION:

- CDC 262, Custody Classification-Assignment Sheet
- CDC 841, Readmission Score Sheet, CDC 840, Reclassification Score Sheet, CDC 839, Classification Score Sheet
- CDC 8021, Foreign Treaty & CDC 830, Transfer Treaty
- CDC 830, Transfer Questionnaire
- CDC 802, Interstate Compact
- MSF/CDC Screening Form
- CDC 812-A and/or 812-B, Notice of Critical Case Information
- CDC 128-81, Notice of Classification Hearing on CDC 108-A, Chrono Sheet-Classification
- CDC 114-D, Order and Hearing Placement in Segregated Housing
- CDC 816-A, Detention Processing Unit
- All CDC 128-G Chrono/transfer teletypes on a CDC 108-A, Chrono Sheet-Classification
- Other related forms and documents

Place all CDC Forms 839/840/841 under a CDC Form 3020-B, File Divider

Place all CDC Forms 812 under CDC Form 3020-C, File Divider

D. DISCIPLINARY:

- CDC 804, Notice of Pending CDC 115 (Purge upon receipt of corresponding CDC Form 115)
- CDC 115, Rules Violation Reports w/attached Incident Reports, CDC 629-A, 629-B, 1879, 1030 and DA responses
- Other Incident Reports
- CDC 128-A as on CDC Form 109-A, Chrono Sheet Disciplinary
- Other related forms and documents

E. GENERAL CHRONOS:

- CDC 1845, Disability Verification
- CDC 1882, Initial Housing Review
- CDC 1882-A, General Population Double Cell Review
- CDC 1882-B, ASUSHU Double Cell Review
- CDC 128-C Chronos on a CDC 109-B, Chrono Sheet-Medical
- All CDC 128s (except for those pertaining to classification, disciplinary, medical, education and work) on a CDC 108-Chronological Record
- All CDC 101 and 128-E, F, I, M Chronos on a CDC 109 Work Report/Education
- CDC 1191, Timecards on drop
- Other related forms and documents

Like documents grouped together, most recent date on top, and in the order specified

F. MISCELLANEOUS:

- CDC 127, Notification in Case of Inmate Death, Serious Injury or Serious Illness-always place on top
- CDC 602, Inmate/Parolee Appeal with attached CDC 1031, 1032, 1033 Computation Review Hearing
- CDC 7219, Medical Report of Injury or Unusual Occurrence
- Requests for Inmate Name Change
- CDC 601, Temporary Community Leave
- CDC 1604, Work Furlough Release
- CDC 1872, Joint Venture
- CDC 15419-E, Community Prisoner Mother Program
- CDC 1890, Voluntary Placement Agreement Family Foundation Program
- CDC 345, Authorization for Director to Maintain Trust Account
- Miscellaneous correspondence
- Inactive case(s) Legal Status Summary, Cum Sum and Time collection on Same Inmate Number
- Other related forms and documents

Place documents in this section in the order received except for CDC Form 127 and Discharged Cum Sum/Time Collections. Place Discharged Cum Sum/Time collections under a divider sheet.

G. DETAINERS:

- CBI and FBI rap sheets
- CDC 850 & CDC 850B, Detainer Summary & CDC 850A, USINS Detainer
- Detainers (all documents related to a specific detainer together)
- CDC 861, Inmate Notification & Agency Acknowledgment of Detainer Receipt
- PC 1381/1389, Demand for Trial
- CDC 616, Request for Disposition of Probation Waiver
- CDC 1704, Request for Transfer in re Stoller
- CDC 1899, Waiver of Court Appearance-Return to Sending State
- CDC 903, Notice of Release to Parole

DETAINERS, continued on back

Place all documents relating to a hold or notice under a CDC Form 3020-D, File Divider, in the order specified.

STATE OF CALIFORNIA
CDC 261 (Rev. 12/02)

DEPARTMENT OF CORRECTIONS

DETAINERS continued:

- All Non-Confidential Requests and Notices of Release under CDC Form 3020-E, File Divider
- CDC 1896, Request for Dismissal Pursuant to CA Vehicle Code Section 41500
- Other related forms and documents

H. PAROLE:

Death Certifications-Death Certificate or Coroner's Report or Proof of Death Letter or CDC 1502

Discharge Documents

Parole Violation/Activity (Parole Incident) Reports

Parole Outpatient Clinic Report

CDC 1018, Notice of Return to Prison

CDC 102, Release Statement of Clothing Authorization

CDC 1515, Notice and Conditions of Parole

CDC 1121, Notice of Release Date and Residence Plan

CDC 611, Release Program Study

CDC 1868, Substance Abuse Program

Notice of Registration Requirement (SS8047, SS8048, SS8049)

Other related forms and documents

Place documents in this section in the order received, most recent date on top.

I. BPT AND NAEA:

A. MENTALLY DISORDERED OFFENDERS (MDO) Place documents under CDC Form 3020-F, File Divider

- BPT 1135, Miscellaneous Decision
- MDO Screening form
- BPT 1073, 1073A, 1073(b), 1074, Reasonable Accommodation Forms
- BPT 1400, Certification Review
- BPT 1410(a), Notice of Right to Certification Hearing-Acknowledgment
- BPT 1415, Summary of Mentally Disordered Offender Hearing-Decision
- BPT 1420(a), Notice of Right to Placement Hearing-Acknowledgment
- BPT 1460(a), Notice of Right to Annual Review Hearing-Acknowledgment
- BPT 1470, Waiver of Appearance Mentally Disordered Offender Hearing

B. SEXUALLY VIOLENT PREDATORS (SVP) Place documents under CDC Form 3020-G

- SVP BPT 1103A, Summary of Probable Cause Hearing
- BPT 1135, Miscellaneous Decision, SVP BPT actions for holds or hearings
- BPT 1073, 1073A, 1073(b), 1074, Reasonable Accommodation Forms

C. PAROLE VIOLATIONS Place documents under CDC Form 3020-H

- BPT 1135, Miscellaneous Decision
- BPT 1103, Summary of Revocation Hearing and Decision
- BPT 1104, Summary of Revocation Decision: Hearing Waived/Screening Offer
- BPT 1104(b), Parolee-Attorney Decision Form
- BPT 1104(c), Inmate/Parolee Waiver Form
- BPT 1080, Notice of Date, Time and Place of Hearing
- BPT 1101, Waiver of Revocation Hearing
- BPT 1101A, Parole Revocation/Extension Hearing-Waiver of Appearance
- BPT 1102, Absconders Arrested Out of State: Waiver of Extradition and Waiver of Revocation Hearing
- BPT 1102A, Absconders: Waiver of Personal Appearance at Revocation Hearing Parolee-at-Large: Time Lost
- BPT 1102B, Waiver of Hearing Right: Participation in Live-In Program as a Special Condition of Parole
- BPT 1104A, Screening Offer Statement
- BPT 1079, Request for Interpreter
- BPT 1083, Attorney Determination
- BPT 1100(b), Request for Witness
- BPT 1073, 1073A, 1073(b), 1074, Reasonable Accommodation Forms
- BPT 1100(a), Notice of Right to Revocation Hearing-Acknowledgment
- BPT 1100(b), Notice of Probable Cause Hearing-Acknowledgment
- BPT 1101B, Waiver of Revocation Extension Hearing: Reasons for Reschedule or Cancellation
- BPT 1135A, Report of In-Custody Misconduct
- BPT 1120, Revocation/Extension Hearing: Reasons for Reschedule or Cancellation
- BPT 1130, Central Office Calendar Decision
- CDC 872, Parole Revocation Proceedings Report-Psychiatric Treatment; CDC 872A, Psychiatric Treatment, Continued
- CDC 873, Evaluation for Parole Revocation for Psychiatric Treatment

Other related forms and documents

D. APPEALS Place documents under CDC Form 3020-I

- BPT 1041, Appeals Unit Decision on Appeal
- BPT 1043, Inmate/Parolee Appeals Screening
- BPT 1074, Review of Reasonable Accommodation Request and Grievance Process
- BP 1040, Appeal

E. LEGAL STATUS REVIEW Place documents under CDC Form 3020-J

- BPT 1063, Petition for Legal Status Review Hearing

F. LIFE PRISONERS Place documents under CDC Form 3020-K

- BPT 1016, Summary Of Rescission Hearing and Decision
- BPT 1017, Summary Of Rescission Hearing and Decision-Non Disciplinary
- BPT 1018, Notice of Right to Rescission Hearing
- BPT 1137, Five Year Denial Review
- BPT 1001, Life Prisoner Decision Face Sheet
- BPT 1001A, Life Prisoner Hearing-Extraordinary Action and Decision
- BPT 1000, Life Prisoner Parole Consideration Worksheet
- BPT 1005, Life Prisoner: Parole Consideration Decision
- Lifer Board Reports
- Psychiatric Reports
- Letters of support/opposition
- BPT 1073, 1073A, 1073(b), 1074, Reasonable Accommodation Forms
- BPT 1087, Notice of Hearing, Date Change
- BPT 1087A, B, C, Notice of Hearing & Responses
- BPT 1009, Life Prisoner: Documentation Hearing
- Other related forms and documents

J. MICROFICHE ON ACTIVE CDC NUMBER

K. MICROFICHE & HARD COPY OF DISCHARGED FILES

L. AD SEG: Manila Folder containing CDC 114As

M. CONFIDENTIAL (includes PC 3058.8, BPT 1087D, CDC 812-C): folder attached to inside of back cover

N. PHOTOGRAPHS: Attached to inside of back cover

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Reviewing a Central File

Going Paperless!

- Women's institutions
- Conversion for the men's institutions
- Disk and Terminal



Materials Made Available to Attorneys

Hearing Packets (aka Board Packets)

1. Cumulative Case Summary
2. Board Reports
3. Psychiatric Reports – 15 CCR § 2240
4. Prior Decisions
5. Notices and Responses
6. Legal Documents
7. Miscellaneous



Materials Made Available to Attorneys

**BOARD OF PAROLE HEARINGS
LIFE PRISONER PAROLE CONSIDERATION HEARING CHECKLIST**

STATE OF CALIFORNIA

- ☐ Initial Hearing
☐ Subsequent Hearing

All life prisoner hearing packets are to be divided into the following seven major categories. Within each category, similar, documents should be filled together in reverse chronological order, beginning with the most recently dated document.

1. ☐ **Cumulative Case Summary**
2. ☐ **Board Reports (All)**
3. ☐ **Psychiatric Reports (All)**
4. ☐ **Prior Decisions (Adult Authority, Community Release Board, Board of Parole Hearings) (All)**
5. ☐ **Notices and Responses, including:**
 - ☐ Notices and Responses (This hearing only)
 - ☐ Official Letters (Since last hearing)
 - ☐ Opposition Letters (Since last hearing)
 - ☐ Supporting Letters (Since last hearing)
 - ☐ Letters of Employment (Since last hearing)
6. ☐ **Legal Documents, including: (All active cases)**
 - ☐ Probation Officer's Report
 - ☐ Arrest Reports
 - ☐ Autopsy Reports
 - ☐ Abstract of Judgement
 - ☐ Minute Order
 - ☐ Charging Documents
 - ☐ Appellate Decisions
 - ☐ Sentencing Transcripts
 - ☐ 1203.01 P.C. Statement
 - ☐ BPT Investigations (Non-confidential investigations only)
 - ☐ Other
7. ☐ **Miscellaneous, including:**
 - ☐ Crime Partner's Last Hearing Transcript & Decision Face Sheet (If applicable)
 - ☐ Notice of Hearing Rights (This hearing only)
 - ☐ ADA Reasonable Accommodation Notice and Request BPT 1073 & 1073(a) (This hearing only)
 - ☐ Listing of All Disciplinary Reports
 - ☐ Listing of All Counseling Chronos
 - ☐ Diplomas or Certificate of Completion (Since last hearing)
 - ☐ Laudatory Chronos (Since last hearing)
 - ☐ Chronos for Participation in Self-Help or Other Activities (Since last hearing)
 - ☐ Other nonspecific, but pertinent information developed since date of last hearing

Checklist and packet reviewed for completeness by _____ CCRA Date _____

Checklist and packet reviewed for completeness by _____ CCRA Date _____

NAME _____ CDC NUMBER _____ INSTITUTION _____



Materials Made Available to Attorneys

Late Mail Folder

- Presented at the hearing
- Received after the packets sent out
- Usually contains letters



Client Interviews

- Meeting with a client
 - Gate Clearance
 - Check Institution Status Day-of
- Review Hearing Packet
- Review DECS for communication issues
- Review C-File
- Bring WSPers form
- Meet at least 45 days in advance



Waivers, Stipulations, Postponements and Continuances

Waivers, Stipulations, Postponements and Continuances

“The rights and interests of all persons properly appearing before a [B]oard [of Parole Hearings] life parole consideration hearing are best served when hearings are conducted as scheduled.” (15 CCR § 2253(a).)

Four Ways a Hearing Can Be Delayed (15 CCR § 2253):

1. Voluntary Waiver
2. Stipulations of Unsuitability
3. Postponements
4. Continuances



Waivers, Stipulations, Postponements and Continuances

Waivers

- 15 CCR § 2253(b)
- Waive for 1, 2, 3, 4 or 5 years
- May only waive 3 consecutive parole hearings
- Presumed valid if submitted to the Board 45 days or more prior to hearing
- Presumed invalid if within 45 days of hearing



Waivers, Stipulations, Postponements and Continuances

Stipulations

- 15 CCR § 2253(c)(1)
- Governed by Marsy's Law denial lengths

Postponements

- 15 CCR § 2253(d)
- At request of prisoner or at panel's own motion
- Upon a showing of good cause, a prisoner can seek to resolve a relevant matter



Waivers, Stipulations, Postponements and Continuances

Continuances

- 15 CCR § 2253(e)

Good Cause

- Required for postponements, continuances and waivers within 45 days of a hearing
- “[A] finding by the board based upon a preponderance of the evidence that there is a factual basis and good reason for the decision made.” (15 CCR § 2000(b)(50))



Waivers, Stipulations, Postponements and Continuances

Examples

1. An attorney is at a hearing and asks the Board to postpone the hearing because she has a meeting scheduled later in the day that she might miss if the hearing goes forward. Does this request meet the requirements for a postponement?
2. An inmate was accepted to a transitional house and plans to parole there. However, the week before his hearing he was contacted by the transitional house and told that they no longer have a spot for him. As a result, the inmate would like to postpone his hearing to arrange new parole plans. Does this request meet the requirements for a postponement?



Hearing Timeline

DAYS PRIOR TO NEXT HEARING NLT DATE OR SCHEDULED HEARING DATE	ACTION
210-240*	Pre Board Audit
215*	CC IIs notified of cases which require counselors assigned in LSTS
210*	Notification to counseling staff regarding Board Reports
180*	Inmate Rights Packets due in the Case Records Office
180*	BPH Form 1073 due in the Case Records Office
150	BPH to notify institutions tentative calendars available in LSTS
135	Institutions notify BPH of any updates to the tentative calendars
120	BPH notifies institutions final calendars available in LSTS
120	BPH to appoint inmate attorneys (if applicable)
120*	Completed Board Reports and Post Conviction Progress Reports due in the Case Records Office
120	Psychological evaluations due in the Case Records Office
95	PC 3042 and PC 3043 notices to be prepared and sent
65 to 75	Life hearing packets mailed to District Attorney, inmate's attorney/inmate(if no attorney) and BPH
60	Olsen Review
60	Deadline date for life hearing packets to be received by the District Attorney's Office and the inmate's attorney/inmate (if no attorney)
10	Deadline date for District Attorney's Office and inmate's attorney or inmate if no attorney to receive additional hearing packet material
10	Deadline date of inmate to receive copy of non confidential opposition letters and responses to Penal Code Section 3042 and 3043 notices for the current parole consideration hearing
5 to 7	Final review of life hearing packets
*Number of days prior to next hearing NLT date	



Key Days in Hearing Timeline

